

Decision Record

“Broken Window” Dispersed Trash Cleanups

NEPA No.: DOI-BLM-AZ-P040-2011-007-DNA

U.S. Department of the Interior
Bureau of Land Management
Sonoran Desert National Monument

Purpose and Need for the Action

The purpose of the project proposal is to provide protection of the wilderness values of the Table Top Wilderness and of monument objects of the Sonoran Desert National Monument (SDNM). The SDNM was designated by Presidential Proclamation 7397, which mandates protection of monument objects, including wildlife, vegetation, and cultural resources. The Table Top Wilderness was established by the Arizona Desert Wilderness Act of 1990, which added it to the National Wilderness Preservation System. The National Wilderness Preservation System was established by Wilderness Act of 1964, which prohibits motorized travel within wilderness boundaries.

The need stems from increased vehicle incursions, proliferation of vehicle routes and foot trails, and accumulations of trash related to illegal human and drug smuggling. The project intends to clean-up the accumulations of trash and restore illegal vehicle routes, foot paths, and other areas of disturbance to as near a natural condition as possible. This project is part of a larger BLM strategy to improve resource conditions within the Table Top Wilderness and SDNM to remove trash and improve natural and cultural resource values.

Plan Conformance

The proposed action is in conformance with the Lower Gila South Resource Management Plan (1988), as amended, because it is specifically provided for in the following decisions:

- “ORV [Off-Road-Vehicle] use is limited to existing and/or designated roads, trails, and vehicle routes. ORV closures may be made on areas where ORV use is determined to be causing irreparable harm to the existing resources.” (*Record of Decision, Lower Gila South Resource Management Plan, 1988, page 3*).
- “Road or area closure will be enacted where off-highway or special recreation vehicle use is determined to be inconsistent with established Recreation Opportunity Spectrum classifications...and/or such use is causing harm to natural or cultural resources.” (*Approved Amendment to the Lower Gila North Management Framework Plan and Lower Gila South Resource Management*

Plan and Decision Record, 2005, page 15). Additionally, the proposed action is consistent with the Maricopa Complex Wilderness Management Plan (1995), because the action was specifically provided by the following:

- Management action 1.11, “Respond to the following unwanted surface disturbances in the manner described....Rehabilitate these surface disturbances and those arising from unauthorized vehicular transport and emergency activities...within one year of occurrence” (*Maricopa Complex Wilderness Management Plan, Environmental Assessment, and Decision Record, 1995, p. 35*).
- This plan envisioned the use of motorized vehicles and equipment in the reconstruction and maintenance of facilities within wilderness, including wildlife water and range developments (*Maricopa Complex Wilderness Management Plan, Environmental Assessment, and Decision Record, 1995, pp. 45-46*). The plan did not envision large-scale motorized human and drug smuggling activities. However the plan did authorize motorized law enforcement response due to criminal activities, emergencies, or public safety concerns.

Compliance with the National Environmental Policy Act, and Finding of No Significant Impact

The proposed action is both a feature of, and essentially similar to, both action alternatives analyzed by “Table Top Wilderness Protection and Vehicle Barrier Project, Environmental Assessment No. DOI-BLM-AZ-P040-2010-0004-EA” completed in October, 2010. The project is within the same analysis area, and will involve essentially the same type and amount of work.

The BLM, Sonoran Desert National Monument, has completed a review of the proposed action with respect to the above-cited environmental analysis. This review (“Documentation of NEPA Adequacy, NEPA No. DOI-BLM-AZ-P040-2011-007-DNA”) determined that there were no substantive differences in the actions proposed and potential resultant impacts, nor was there new information or circumstances that would render the existing analysis invalid.

Based on the analysis of potential environmental impacts contained in the environmental analysis (NEPA No. DOI-BLM-AZ-P040-2010-0004-EA) and the subsequent review (NEPA No. DOI-BLM-AZ-P040-2011-007-DNA), attached to and incorporated herein; public involvement throughout the development of the analysis; and all other information available to me, it is my determination that impacts are not expected to be significant; therefore, and environmental impact statement is not required.

Persons Consulted

David Scarbrough, BLM Phoenix District
VRM

Recreation, Wilderness,

Steve Bird, BLM Phoenix District

Wildlife

Decision and Rationale on Action

It is my decision to authorize the implementation of the activities associated with the proposed action of the “Broken Window” Dispersed Trash Cleanups project as described above.

Implementation of this project will serve to protect wilderness values of the Table Top Wilderness by acting to restore naturalness and solitude, and will serve to protect natural and cultural objects of the Sonoran Desert National Monument.

The following applicable stipulations and mitigation measures from the “Table Top Wilderness Protection and Vehicle Barrier Project, Environmental Assessment No. DOI-BLM-AZ-P040-2010-0004-EA” will be included as conditions of implementation:

General Stipulations

- Work will be conducted in the daylight hours to the extent practicable. Nighttime construction activities would not be conducted.
- The disposal of solid and/or hazardous wastes is not authorized on the SDNM.
- Wherever possible, rather than clearing vegetation, equipment and vehicles shall use existing surfaces or previously disturbed areas.
- Existing roads shall be used for travel and equipment storage whenever possible. Equipment will not be stored at the project location.
- The project area will contain adequate signage to indicate which BLM routes are open and which routes are closed.

Biological Resources Stipulations

- Any temporarily disturbed soils will be stabilized and/or revegetated with native tree and shrub species, including mesquite and Palo Verde at washes/arroyos, to provide erosion and sedimentation control as necessary. Post-construction stabilization of eroding areas will be required where fencing and ground disturbance results in accelerated erosion. This may include reseeding, water bars or other treatment as necessary.

Cultural Resources Stipulations

- Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered during project activities shall be immediately reported to the authorized officer. The BLM shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery shall be made by the authorized officer to determine the appropriate actions to prevent the loss of significant cultural or scientific values. The BLM shall be responsible for the cost of the evaluation and any decision as to the proper mitigation measures would be made by the authorized officer.
- As required under the Native American Graves Protection and Repatriation Act at 43 CFR10.4(g), "If in connection with the project operations under this authorization, any human remains, funerary objects, sacred objects or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (P.L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the ROW holder shall stop operations in the immediate area of the discovery, protect the remains and objects, and immediately notify the Authorized Officer of the discovery.

Implementation Date

This action shall be effective for the period October 1, 2011 through September 30, 2012.

//signed//
2011
 Richard B. Hanson, Manager
 Sonoran Desert National Monument

9-26-
 Date

Administrative Review of Appeal Opportunities

This decision is subject to appeal per the procedures at 43 CFR 4.410-4.415. An appeal may be accompanied by a petition for stay of the decision in accordance with 43 CFR 4.21, pending final determination on appeal. The appeal and petition for stay must be filed in the office of the authorized officer, as noted below, within 30 days following receipt of this decision:

Bureau of Land Management
 Sonoran Desert National Monument

ATTN: Richard B. Hanson, Manager
21605 North 7th Avenue
Phoenix, AZ 85027

The appeal shall state the reasons, clearly and concisely, why the appellant feels that the decision here is in error.

In accordance with 43 CFR 4.21(b)(1) a petition for stay, if filed, must show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied.
- (2) The likelihood of the appellant's success on the merits.
- (3) The likelihood of irreparable harm to the appellant or resources if the stay is not granted.
- (4) Whether the public interest favors granting the stay.

Contact Person

For additional information concerning this decision contact Rich Hanson, Manager, or David Scarbrough, Outdoor Recreation Planner; Sonoran Desert National Monument; 21605 North 7th Avenue; Phoenix, AZ 85027; (623) 580-5500.

Determination of NEPA Adequacy (DNA)
U.S. Department of Interior
Bureau of Land Management

OFFICE: *Sonoran Desert National Monument (SDNM)*

NEPA/TRACKING NUMBER: *DOI-BLM-AZ-P040-2011-007-DNA*

CASEFILE/PROJECT NUMBER: *N/A*

PROPOSED ACTION TITLE/TYPE: “Broken Window” Dispersed Trash Cleanups

LOCATION/LEGAL DESCRIPTION: Sonoran Desert National Monument

APPLICANT (if any): *N/A*

A. Description of the Proposed Action and any applicable mitigation measures

This project will clean-up dispersed litter and trash accumulations in the Table Top Wilderness and adjacent areas of the Sonoran Desert National Monument, and reclaim illegal vehicle routes and footpaths used during the course of human and drug smuggling. The project will gather, bag, and remove trash accumulations from illicit “layup” (or camp and hiding) sites used by smugglers, as well as dispersed litter along designated vehicle routes and washes. Route restoration will take place following conclusion of clean-up activities and will involve use of a backhoe and/or hand tools and “vertical mulching” techniques to obscure routes.

This clean-up effort will take place from October 1, 2011 through May 31, 2012. During the course of the project, access to wilderness by motor vehicle will be used both by work crews and law enforcement staff providing security for the project. It is estimated that during this period, up to twenty vehicle incursions into wilderness may occur per day in areas with the most trash and refuse. In rare instances, aircraft may be utilized for sling-load removal of very large trash loads and/or areas that are difficult to access.

Waste within the Table Top wilderness and adjacent areas of the Sonoran Desert National Monument will typically consist of clothes, back packs, abandoned vehicles, bicycles, plastic trash bags, and gasoline containers. In most cases, motorized access to dump sites will utilize existing smuggling routes and washes. As areas are cleaned of trash/refuse, the unauthorized smuggling routes will be remediated by ripping of illegal routes, vertical mulching, and re-vegetation.

B. Land Use Plan Conformance

Land Use Plan (LUP) Name: *Lower Gila South Resource Management Plan*

Date Approved/Amended: **1988**

X The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

- “ORV [Off-Road-Vehicle] use is limited to existing and/or designated roads, trails, and vehicle routes. ORV closures may be made on areas where ORV use is determined to be causing irreparable harm to the existing resources.” (*Record of Decision, Lower Gila South Resource Management Plan, 1988*, page 3).
- “Road or area closure will be enacted where off-highway or special recreation vehicle use is determined to be inconsistent with established Recreation Opportunity Spectrum classifications...and/or such use is causing harm to natural or cultural resources.” (*Approved Amendment to the Lower Gila North Management Framework Plan and Lower Gila South Resource Management Plan and Decision Record, 2005*, page 15). Additionally, the proposed action is consistent with the Maricopa Complex Wilderness Management Plan (1995), because the action was specifically provided by the following:
 - Management action 1.11, “Respond to the following unwanted surface disturbances in the manner described....Rehabilitate these surface disturbances and those arising from unauthorized vehicular transport and emergency activities...within one year of occurrence” (*Maricopa Complex Wilderness Management Plan, Environmental Assessment, and Decision Record, 1995*, p. 35).
 - This plan envisioned the use of motorized vehicles and equipment in the reconstruction and maintenance of facilities within wilderness, including wildlife water and range developments (*Maricopa Complex Wilderness Management Plan, Environmental Assessment, and Decision Record, 1995*, pp. 45-46). The plan did not envision large-scale motorized human and drug smuggling activities. However the plan did authorize motorized law enforcement response due to criminal activities, emergencies, or public safety concerns.

☐ The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions):

Insert applicable Land Use Plan Decision(s)

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

Table Top Wilderness Protection and Vehicle Barrier Project, Environmental Assessment No. DOI-BLM-AZ-P040-2010-0004-EA

List by name and date other documentation relevant to the proposed action (e.g. biological assessment, biological optioning, watershed assessment, allotment evaluation, and monitoring report).

Informal Consultation for Proposed Wilderness Protection Vehicle Barriers on the Sonoran Desert National Monument, Pinal County, Arizona.

D. NEPA Adequacy Criteria

- 1. Is the proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the exiting NEPA document(s)? If there are differences, can you explain why they are not substantial?**

The proposed action is both a feature of, and essentially similar to, both action alternatives analyzed by the above-cited document (Table Top Wilderness Protection and Vehicle Barrier Project, Environmental Assessment No. DOI-BLM-AZ-P040-2010-0004-EA). The project is within the same analysis area, and will involve essentially the same type and amount of work.

- 2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?**

The range of alternatives analyzed in the above-cited document encompass all actions envisioned under the proposed project, and are appropriate given current, ongoing environmental concerns, interests, and resource values.

- 3. Is the existing analysis valid in light of new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, and updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?**

The BLM is not aware of any new information or circumstances that would substantially change the analysis of the proposed action. The existing analysis continues to be valid for the proposed action.

- 4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?**

The direct, indirect, and cumulative effects of implementing the proposed action would be similar to those analyzed in the above-cited environmental assessment.

5. Are the public involvement and interagency review associated with existing NEPA documents(s) adequate for the current proposed action?

Public involvement and interagency review associated with the existing NEPA document includes all know interested parties and is believed adequate for the proposed action.

E. Persons/Agencies/BLM Staff Consulted

Name	Title	Resource/Agency Represented
Dave Scarbrough	Outdoor Recreation Plnr.	BLM – Phoenix District
Rich Hanson	SDNM Monument Manager	BLM—Phoenix District

Note: Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents

CONCLUSION:

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitute BLM's compliance with the requirements of NEPA.

//signed//
David L. Scarbrough

Leah Baker

<u>//signed//</u>	<u>9-26-2011</u>
Richard B. Hanson	Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.